



UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

April 6, 2011

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Henry A. Waxman  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322A Rayburn House Office Building  
Washington, DC 20515

The Honorable Mary Bono Mack  
Chairman  
Subcommittee on Commerce,  
Manufacturing and Trade  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable G.K. Butterfield  
Ranking Member  
Subcommittee on Commerce,  
Manufacturing and Trade  
Committee on Energy and Commerce  
U.S. House of Representatives  
2322A Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton, Ranking Member Waxman, Chairman Bono Mack, and Ranking Member Butterfield:

As the majority of Commissioners of the U.S. Consumer Product Safety Commission (CPSC), we write to express our serious concerns with significant portions of the discussion draft circulated by the staff of the U.S. House Energy and Commerce Subcommittee on Commerce, Manufacturing and Trade (the Subcommittee), which would revoke key protections in the Consumer Product Safety Improvement Act of 2008 (CPSIA) and endanger the health and safety of American consumers, especially children.

Almost three years have passed since Congress nearly unanimously passed (424-1 in the House and 89-3 in the Senate), and President George W. Bush signed into law, the landmark CPSIA legislation. This legislation reinvigorated the CPSC and established a strong consumer product safety net that the American public demanded after the "Year of the Recall" in 2007, when millions of violative toys were recalled from American consumers. The Subcommittee draft bill seeks to reverse some of the significant steps made toward providing for a safer marketplace and would turn back the clock to the pre-CPSIA era when harmful products made their way into the stream of commerce and into the hands of innocent children.

Under the new protections established by the CPSIA, mothers and fathers now have more peace of mind knowing that during the day their young children play with toys that should no longer carry the same risks of harm. At night, those same boys and girls are likely to be in a much safer sleep environment. Moreover, on March 11, 2011, we ushered American consumers into a new era of government transparency and empowerment with the launch of the CPSIA-mandated publicly searchable consumer product database. Under this provision of the CPSIA, consumers can go online and search a centralized database for reports of actual harm or for reports of potential harm involving the consumer products they own or are considering purchasing.

We understand that Congress must be mindful of the effect of regulations on the business sector. However, the reversal of several of the core provisions of the CPSIA would likely diminish the health and safety of our nation's consumers. We cannot support such a reversal. Moreover, many responsible companies, especially here in the United States, have already taken the steps necessary to meet the law's requirements, built safety into their products, and proven that manufacturers and retailers can thrive under this new and improved consumer product safety framework. It would be unfortunate, indeed, at this time to penalize those who have come into compliance with the law and to reward those less conscientious by undoing these safety features of the CPSIA.

We recognize that some provisions within the CPSIA can be improved. In the past, the Commission has unanimously requested that Congress grant us flexibility to ease some of the administrative burdens the CPSIA has placed on manufacturers, particularly smaller businesses, without sacrificing safety. We continue to support those requested changes. The Subcommittee's draft bill, however, is not consistent with this approach. More specifically, although by no means an exhaustive list, certain provisions in the draft bill cause us great concern:

- Reducing Safety for Primary School Children: We believe that as children grow and age, the idea that they should continue to have access to safe products is—and should be—a noncontroversial one. Congress, through the CPSIA, made the policy judgment that all of our children ages twelve years and younger should be afforded greater protections. We agree with that policy judgment.
- Lead: The CPSIA set one of the most protective lead limits for children's products in the world. The public health community continues to hold its overwhelming consensus: There is no known safe level of lead. We oppose any change to the law that would lead to an increase in the doses of lead to which our children are exposed on a daily basis, particularly when the marketplace has for the most part already adjusted to lower lead levels and is well on its way to getting the lead out of children's products.

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- Third Party Testing: The CPSIA requires that some objective oversight and safeguards be established for assuring that children's products meet all applicable safety standards. We have previously acknowledged the need for some targeted relief for small crafters and similar small businesses from some testing requirements and, where product safety would not be compromised, provided relief where we have been able to do so. Nevertheless, one simple fact remains: Parents should have some independent assurance that all products, whether made abroad or in the United States, are safe for their children to use.
- Cribs: The Commission spoke with one voice in 2010, when it unanimously approved the most pro-safety crib standard in the world and decided that whether an infant or toddler is at home or in a child care center, a crib should always be the safest place for a child to sleep. We cannot support a measure that places any child in a potentially life-threatening situation by allowing cribs that are decades past needing to be replaced to be used in many child care centers throughout the country.
- Database: For 38 years, the American public was kept in the dark with respect to crucial consumer product safety data that the CPSC possessed. The veil on this information was lifted on March 11, 2011, when the CPSC launched the public consumer product safety database (SaferProducts.gov). Saferproducts.gov serves as a resource for consumers to learn what other consumers already know about dangerous or potentially dangerous products and emerging hazards. We believe that consumers will be informed by the information in the database and empowered to make their own decisions to help keep their families safe. We are against any proposal that would shut the door on the open and transparent approach currently available through SaferProducts.gov and hide this vital consumer product safety information from the public once again.

We remain open to working with the Congress on adjusting aspects of the CPSIA. Nevertheless, while it is true that no one, including us, wishes to over-regulate, we similarly cannot support under-protecting the American consumer, particularly our nation's children.

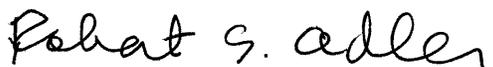
Very truly yours,



Inez M. Tenenbaum  
Chairman



Thomas H. Moore  
Commissioner



Robert S. Adler  
Commissioner

The Honorable Fred Upton, Henry A. Waxman, Mary Bono Mack, and G.K. Butterfield  
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cc: The Honorable Marsha Blackburn (*Vice Chair*)  
The Honorable Cliff Stearns  
The Honorable Charlie Bass  
The Honorable Gregg Harper  
The Honorable Leonard Lance  
The Honorable Bill Cassidy  
The Honorable Brett Guthrie  
The Honorable Pete Olson  
The Honorable David McKinley  
The Honorable Mike Pompeo  
The Honorable Adam Kinzinger  
The Honorable Joe Barton  
The Honorable Charles A. Gonzalez  
The Honorable Jim Matheson  
The Honorable John D. Dingell  
The Honorable Edolphus Towns  
The Honorable Bobby L. Rush  
The Honorable Jan Schakowsky  
The Honorable Mike Ross